

# The Case of Richard Strode Esq;

Son and Heir of *Sr. William Strode* Knight, Deceased, late Burgeses for *Plympton Earle* in the County of *Devon*, against *George Treby* Esq;  
Humbly presented to the Honourable the House of Commons Assembled in Parliament.

**T**hat the Burrough of *Plympton Earle*, is an antient Burrough by prescription, and time out of mind hath sent Burgeses to Parliament.

That *Queen Elizabeth* in 44<sup>th</sup>. of her Raigh, by her Charter, reciting that *Plympton Earle* was an antient Burrough, and that the Burgeses and Inhabitants of the same had been time out of mind incorporated, and were a Body Politick: The Queen by her said Charter (to take away all doubts and ambiguities about the same, and about the name of their Corporation) doth Incorporate the Burgeses and Inhabitants of the said Burrough and their Successors for ever, by the name of Mayor, Bayliff, and Burgeses of the Burrough of *Plympton Earle*, with a power to the said Mayor, Bayliff, and Burgeses, to elect and send two Burgeses to Parliament for the same Burrough, and not a word of Freemen mentioned in the said Charter.

By the aforesaid Charter the Burgeses and Inhabitants and their Successors are incorporated, and have thereby the Right and Power of electing the Burgeses for Parliament.

That now the Mayor, Bayliff, and principal Burgeses and Freemen, or Mr. *Treby* in their and his own behalf, do pretend to the sole right and power of electing, excluding all the Freeholders and other Inhabitants which are Incorporated by the said Charter, and as members of the Corporation, which ought to have voices in the election. Whereas in this Burrough, before the Charter, the Freeholders or Inhabitants did elect, and so have since done, and it was never known that Freemen only in *Plympton* did elect Burgeses for Parliament until the late troubles if there were any dispute about the Election

Upon Mr. *Treby's* pretence and supposition, the Mayor alone may choose Forreigners or the basest and most inferior persons into the Order of Freemen, who though Forreigners shall have right of electing Burgeses for Parliament against all Freeholders and other Inhabitants who are certainly most concerned in the consequence of the elections, being lyable and contributory to all charges of the Burrough, in the neighbouring Burroughs (as *Tarjiffstock*, *Beere*, and *Aschburton*) to which the Charter doth much relate, the Freeholders do only elect, and in *Oakehampton* the Freeholders and Freemen do only elect.

Hereby there appears no colour why the Burgeses and Inhabitants whether Freemen or not, should not have their voyces in the election of Burgeses for *Plympton Earle*.

Since the said Charter, Freeholders not being Freemen have elected and given their voices, and the Freeholders have been summoned in and cited to Court to come in and give their voices, which argues most certainly that the Freeholders especially Inhabitants have an unquestionable right of voting in the election.

Before the said Charter the Freeholders and Inhabitants have continually elected, and since (it seems) the antient way of returns has been observed, being by the Bayliffs and Burgeses without mention of the Mayor and Freemen who certainly were never intended to be comprized therein in exclusion of all the Freeholders and others, Inhabitants of the said Burrough.

By the said Charter, there is no power given the Mayor to choose or elect Freemen, nor one word of them mentioned in the same, there appears no ground or authority for making an Order of Freemen distinct from the rest of the Burgeses or Inhabitants of the Town.

*Sig:* In fact, *Treby* had the Mayor, four principal Burgeses, and fifteen Freemen (whereof one was long before ~~deceased~~ *if a Freeman*) franchized, and ~~more~~ more newly selected, and the voyces of others were indirectly procured) and as Mr. *Treby* would have it) the Freemen must only elect, who are several of them Labourers and Servants to the Freeholders living within the Burrough, and those Freeholders (who bear all publick burthens, pay the Taxes and inhabit within the Burrough) he would have excluded, and so the Servants shall send to Parliament the Representatives of their Masters.

The Petitioner had the voices of 2 principal Burgeses, 14 Freemen, 14 Freeholders, (inhabiting within the Burrough) and 7 Freeholders inhabiting without the Burrough, so as in case the voices procured on *Treby's* part by foul means be disallowed for good voices (as they ought) the Petitioners voices of the very Corporation will over ballance, and in case the Freeholders and Inhabitants ought to elect (as it seems plainly they have right thereunto) it will appear that the Petitioner had all the voices of the Freeholding Inhabitants: and in case all Inhabitants have a right to elect (as some conceive) the Petitioner had those Inhabitants, also none declaring for Mr. *Treby* but the Mayor, 4 principal Burgeses, and 15 Freemen, and so its conceived the Petitioner ought lawfully to have been return'd.